

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**ACTUS, LLC,**

**Plaintiff,**

**v.**

**BANK OF AMERICA CORP., et al.**

**Defendants.**

**CIVIL ACTION NO. 2:09-cv-102-TJW**

**JURY TRIAL DEMANDED**

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE**

The plaintiff, Actus LLC, and defendant Western Union Financial Services, Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims in this action WITH PREJUDICE and dismissing all counterclaims as MOOT, subject to the terms of that certain agreement entitled "SETTLEMENT AGREEMENT" and dated March 3, 2010, with each party to bear its own costs, expenses and attorneys fees.

Dated: March 9, 2010

Respectfully Submitted,

WESTERN UNION FINANCIAL SERVICES, INC.

**ACTUS, LLC**

By: /s/ Scott L. McMillan

Scott L. McMillan

Colorado State Bar No. 40596

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By: /s/ William E. Davis, III

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**ATTORNEY FOR DEFENDANT**

**WESTERN UNION FINANCIAL SERVICES, INC.**

**ATTORNEY FOR PLAINTIFF**

**ACTUS, LLC**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 9th day of March, 2010.

/s/ William E. Davis, III

William E. Davis, III